

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

BWISE MANUFACTURING, LLC,

Plaintiff,

v.

**BIG HAT INVESTMENTS, LLC and
MICHAEL WAYNE BRISTOW,**

Defendants.

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Case No. 2:17-cv-00092-NCC

ORDER

This matter is before the Court on review of the record. On November 21, 2017, Plaintiff BWISE Manufacturing, LLC filed an Application for Stay of Arbitration in the Circuit Court of Boone County, Missouri (Doc. 3). On December 19, 2017, Defendants Big Hat Investments, LLC and Michael Wayne Bristow (collectively “Defendants”) removed this action to this Court from the Circuit Court of Boone County (Doc. 1). On December 21, 2017, Defendants filed a Motion to Dismiss and to Compel Arbitration (Doc. 5) and, on December 26, 2017, Plaintiff filed a Motion to Remand (Doc. 9). The Court, noting that pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 105(b) venue in this removed action is proper in the Western District of Missouri, issued a show cause order directing Defendants to show cause why this action should not be transferred to the Western District of Missouri (Doc. 12). *See Polizzi v. Cowles Magazines, Inc.*, 345 U.S. 663, 665 (1953) (Venue in a removed action is governed by section 1441). Defendants responded to Plaintiff’s Motion to Remand indicating that they “acquiesce to Plaintiff’s Motion to remand” and requesting the Court deny Plaintiff’s demand for sanctions (Doc. 13). Defendants also responded to the Court’s show cause order stating that they believe that the Court’s order is now “moot in view of the Defendants’ acquiesce to Plaintiff’s Motion to

Remand” (Doc. 14). Plaintiff replied to the Motion to Remand, again requesting attorneys’ fees pursuant to 28 U.S.C. § 1447(c). As venue is proper in the Western District of Missouri and there remains a contested issue regarding attorneys’ fees,

IT IS HEREBY ORDERED that this case is transferred pursuant to 28 U.S.C. § 1406(a) to the United States District Court for the Western District of Missouri, Central Division.

Dated this 17th day of January, 2018.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE